

Strasburger

ATTORNEYS AT LAW

November 3, 2016

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VIA EMAIL AND U.S. MAIL

Ben Banipal, P E., Branch Chief
Technical and Enforcement Branch, Superfund Division
United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

RECEIVED
16 NOV - 7 PM 2:09
SUPERFUND DIV.
DIRECTORS OFC.

Re: SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana;
CERCLIS #: LAD008434185; General Notice Letter

Dear Mr. Banipal:

We represent Kirby Inland Marine, LP ("Kirby"), as successor in interest to Hollywood Marine, Inc. ("Hollywood").

This letter is in response to your letter dated October 4, 2016 regarding potential liability at the SBA Shipyard Superfund Site, and notice that Kirby may be responsible for the cleanup or costs of cleanup of the contamination found at the Site.

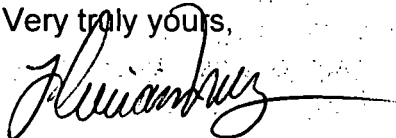
We note that Hollywood's business was marine transportation of petroleum products. Accordingly, we feel that to the extent Hollywood had business dealings with SBA Shipyard, any contamination from barge cleaning activities are outside the realm of CERCLA due to the "petroleum exclusion".

It does not appear that past or present owners of the Site, or the contractor referenced on p. 3 of the Notice, are on the list of persons and entities receiving letters. We believe that incident is the sole reason for the 2012-15 response and assessment actions.

Notwithstanding the above, we have been in communication with Mr. Chernokoff to negotiate possible joinder in the settlement being discussed between the EPA and the group he represents.

Please note our response to the General Notice Letter is no way represents an admission of liability and Kirby hereby reserves any all defenses, claims and rights it may have in this matter.

Very truly yours,



F. William Mahley
FWM/rrh



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Mr. Ben Banipal
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cc: Chuck Talton
I-Jung Chiang

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